

**REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

**A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicants basically:

1. Amend independent claim 12 editorially and to include therein a portion of dependent claim 18.
2. Cancel claims 9 – 11 without prejudice or disclaimer.
3. Respectfully traverse all prior art rejections (see remarks section C *infra*).

**B. THE PRIOR ART REJECTIONS**

Claims 1-18 stand rejected under 35 USC 102(e) as being anticipated by U.S. Publication 2007/0264994 to Schwarz.

**C. PATENTABILITY OF THE CLAIMS**

All prior art rejections are respectfully traversed for at least the following reasons.

Claims 1 – 7, 9

Independent claims and 9 refer to “information about the availability status of at least a range of services” which is broadcast by the network unit or received by the wireless terminal. The claim language “range of services” means more than one service, a limitation not taught or suggested by Schwarz. Schwarz’ UE sends information about the range of bands/networks in which it can operate, but the Schwarz’ network does not appear to send to the UE any indication of availability for a “range of services”.

Claim 8

Independent claim 8 specifically refers to “releasing a connection” of a user equipment to a second cellular mobile communication network. To be a connection, the connection must already be set up, i.e., independent claim 8 refers to an existing connection and not a setup request.

Thus, independent claim 8 concerns a method performed when releasing a connection from a first communications network to a second communications network, and specifically refers to including in a RRC Connection Release message an information element comprising a re-direction retry message to redirect the user equipment to the second cellular mobile communication network. By contrast, the activities of U.S. Publication 2007/0264994 to Schwarz are confined to connection setup, and require that the Schwarz mobile station apprise the network of the other networks which the mobile station can use. As such, Schwarz cannot anticipate a method which concerns, e.g., connection release. Even in its connection rejection teaching Schwarz does not teach or suggest a message from the Schwarz network explicitly indicate or identify a backup network, as the Schwarz mobile station must deduce a further network on its own.

Applicants note that the Final Office Action did not respond to Applicants’ above arguments concerning independent claim 8, and thus the Final Office Action is defective for that reason.

Claim 12

Independent claim 12 has been amended to include a limitation of dependent claim 18: that the wireless terminal determines that the service is at least temporarily unavailable at the first cellular mobile communication network. Thus, Applicants’ wireless terminal determines the temporary unavailability of the first cellular mobile

communication network and performs a switch to request or receive the service from a second communications network rather than from the first communication network.

By contrast, Schwarz' RNC appears to make all pertinent determinations and is essentially the only active player. See, for example, Schwarz ¶[0004] and ¶[0022] - ¶[0024] which repeatedly mention that the Schwarz RNC 14 "determines..." and/or takes further actions.

Applicants further note that dependent claim 18 was not specifically addressed with remarks in the Final Office Action.

#### **D. MISCELLANEOUS**

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly requested.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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